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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/183,335	10/30/1998	ROBERT A. FOSTER	M-7085US	3004

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Edward C. Kwok
MacPherson Kwok Chen & Heid LLP
2001 Gateway Place
Ste 195E
San Jose, CA 95110

EXAMINER

FULTS, RICHARD C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/183,335

Applicant(s)

FOSTER, ROBERT A.

Examiner

Richard Fults

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to Applicants amendment (Paper No. 11) of application 09/183,335 filed October 30, 1998. The amendment filed December 26, 2002 amended several claims but canceled none of them. Accordingly Claims 1-29 are presented for examination on their merits.

Response To Arguments

1. Applicants amendments filed on December 26, 2002 have been fully considered, but the Applicants arguments are not found to be persuasive, although the prior 101 rejection has been overcome by the current amendment and is withdrawn. However the amendment caused new references to be found regarding the technology arts.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Rejection, 35 U.S.C. 103(a)

3. Claims 1-5, 17-20, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottesman et al (US 6,049,782 A) (hereinafter "Gottesman") and Petroutsos (Mastering Visual Basic 5) (hereinafter Petroutsos), and further in view of Carter (US 5,878,400 A) (hereinafter Carter) and Foster (US 6,052,672 A) (hereinafter Foster) and Doktor (US 5,604,899) (hereinafter Doktor).

As to **Claim 1** Gottesman discloses directly or inherently (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) all of the steps in amended claim 1, both as an inventive concept and as computer program functions and steps to be performed, either implicitly or explicitly. He teaches the creation and use of price tables and tier/pricing (product) rules for both products and sub-products linked to financial transactions, and rules linked to price tables, identifying the correct rule for the transaction, and pricing the transaction according to the tier/pricing (product) rules. All of the claimed steps are also inherent in what Gottesman teaches. But he does not specifically teach the detailed programmatic steps for these software logic functions.

Carter discloses (see at least columns 1-26 but in particular columns 1-8) claims 1-29 regarding pricing (product) rules and pricing tables.

Foster discloses (see at least columns 1-16 but in particular columns 1-9) claims 1-29 regarding mapping production services (product rules) and price tables.

Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create all the programming steps necessary to translate an inventive concept, like Gottesman's described computer logic functions to be performed, into a working computer software program. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices to develop the computer logic and the means for the entering of specific pricing and other calculations required in the tables and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link and associate them all together for the purpose and function

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intended to be performed, including display only information. It is inherent in such programs to always have both mandatory and optional attributes in their tables and rules, and to assign status and a name to each of them. For example a table or field identifier is mandatory in order for the program to function properly, yet the number and type of fields and the individual rule descriptions and logic are discretionary. It would also be obvious to allow for the temporary disuse of one or more of those rules as an optional attribute, for a variety of operational reasons: possible temporary discontinuance of the product as one example, or a change in the attributes of the product itself as another reason.

Doktor discloses claims 1-29 (see at least columns 1-36 but in particular columns 1-10) regarding the design and implementation of databases containing product rules and pricing tables.

In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate Gottesmans' invention with the teachings of Petroutsos and Carter and Foster and Doktor because their combination would have been common sense and advantageous and have provided a completed, more efficient, and operational financial transaction system that could have been beneficially used by financial service companies to save money and increase profitability. Likewise, in light of the teachings of Petroutsos Carter, Foster, and Doktor, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Petroutsos and Carter and Foster and Doktor with those of Gottesman for the same reason.

As to **Claim 2** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, and col 13) all of the steps in amended claim 2, both as an inventive concept and as computer program functions and steps to be performed, either implicitly or explicitly. He inherently teaches the use of price tables and tier/pricing (product) rules for both products and sub-products linked to financial transactions, and rules linked to price tables, identifying the correct rule for the transaction, and pricing the

transaction according to the tier/pricing (product) rules, all towards the logical end purpose of utilizing all of those steps for a billing method. See response to claim 1.

As to **Claim 3** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, and col 13) "The method of Claim 1...display only information.", both as an inventive concept and as computer program functions to be performed with as many other pieces of identifying and descriptive information as would have been needed to effectively operate the system. It would have been obvious to one skilled in the art at the time of the invention to have utilized a display only option, as not all computer screens require either text or a response, and to have included all the steps described in this claim. See response to claim 1.

As to **Claim 4** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) "The method of Claim 1....a price table.". , both as an inventive concept and as computer program functions to be performed. See response to claim 1.

As to **Claim 5** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) "The method of Claim 1....a pricing method." , both as an inventive concept and as computer program functions to be performed. See response to claim 1.

As to **Claim 17** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) "The method of Claim 1...for said product rule". , both as an inventive concept and as computer program functions to be performed. See response to claim 1.

As to **Claim 18** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) "The method of Claim 1....product rules to a database.", both as an inventive concept and as computer program functions to be performed. See response to claim 1.

As to **Claim 19** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) "The method of Claim 1....a default product rule.", both as an inventive concept and as computer program functions to be performed. See response to claim 1.

As to **Claim 20** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) "The method of Claim 1....price table contains prices.", both as an inventive concept and as computer program functions to be performed. See response to claim 1.

As to **Claim 22** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 1, wherein said price table contains negative values", both as an inventive concept and as means for computer program functions to be performed.

OFFICIAL NOTICE is taken that it would have been obvious for pricing tables to have contained negative values for the purpose of zeroing out a prior price entry by either multiplying it by a negative 1 or have the actual price be a negative number to be added to the prior entry in order to zero it out, to make the price table function properly. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate Gottesmans' invention and OFFICIAL NOTICE with the teachings of Petroutsos because the combination of the three would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies. Likewise, in light of Petroutsos' teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate

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the teachings of Petroutsos and OFFICIAL NOTICE with those of Gottesman for the same reason.

As to **Claim 23** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "A data processing system....said product rule and said price table.", both as an inventive concept and as means for computer program functions to be performed, but he does not specifically teach the detailed programmatic steps for these software functions, such as "mandatory and optional" attributes as such. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices to develop the computer logic and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed. It is inherent in such programs to always have both mandatory and optional attributes in their tables and rules. For example a table or field identifier is mandatory in order for the program to function properly, yet the number and type of fields and the individual rule descriptions and logic are discretionary. It would also be obvious to allow for the temporary disuse of one or more of those rules as an optional attribute, for a variety of operational reasons: possible temporary discontinuance of the product as one example, or a change in the

attributes of the product itself as another reason. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate Gottesmans' invention with the teachings of Petroutsos because the combination of the two would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies. Likewise, in light of Petroutsos' teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Petroutsos with those of Gottesman for the same reason. See response to claim 1.

As to **Claim 24** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The data processing system....means for billing.", both as an inventive concept and as means for computer program functions to be performed. See response to claim 1.

As to **Claim 25** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The data processing system....display only information.", both as an inventive concept and as means for computer program functions to be performed. See response to claims 1 and 3.

As to **Claim 26** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The data processing system of Claim 23....said mandatory attributes.", both as an inventive concept and as means for computer program functions to be performed. See response to claim 1.

As to **Claim 27** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The data processing system of Claim 26....said identifier.", both as an

inventive concept and as means for computer program functions to be performed. See response to claim 1.

As to **Claim 28** Gottesman discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, and col 8, lines 1-16) "The data processing system....rules to a database.", both as an inventive concept and as computer program functions to be performed. See response to claim 1.

As to **Claim 29** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The data processing system of Claim 23....a default product rule.", both as an inventive concept and as means for computer program functions to be performed. Whenever there are several choices of actions to be applied to a table of rules and one or more of the rules has no special action specified in the original design of the table, then it is obvious to one skilled in the art at the time of the invention to have provided the means for a default action to that rule, and consequently provide for that eventuality in the design of the program logic. See response to claim 1.

Rejection, 35 U.S.C. 103(a)

4. Claims 6-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottesman et al (US 6,049,782 A) (hereinafter "Gottesman") and Petroutsos (Mastering Visual Basic 5), further in view of Carter (US 5,878,400) as noted below.

As to **Claim 6** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5....is flat fee.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed

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programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, which are only a partial listing of the many common pricing types, some of which have been used for the past several millenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically flat fee pricing. OFFICIAL NOTICE is taken that one of the oldest and best known pricing types is the flat fee type, which has long been commonly used for services of all types, such as Doctors, gardeners, hairdressers, and bank services, etc., and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter because the combination of the three would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching and that of OFFICIAL

NOTICE, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and OFFICIAL NOTICE and Petroutsos with those of Gottesman for the same reason.

As to **Claim 7** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5...is unit price.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed.

OFFICIAL NOTICE is taken that one of the oldest and best known pricing types is the unit price type, which has long been commonly used for goods of all types, such as groceries, office supplies, clothes, and bank services, etc., and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Carter because the combination of the two would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching and that of OFFICIAL NOTICE, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and OFFICIAL NOTICE with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 8** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5...is unit cost.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed.

OFFICIAL NOTICE is taken that one of the oldest and best known pricing types is the unit cost type, which has long been commonly used for goods and services in special circumstances, such as for sales of goods or services which were in addition to

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other sales being made at the same time to the same customer or as an special incentive or a promotional price, and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Carter because the combination of the two would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching and that of OFFICIAL NOTICE, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and OFFICIAL NOTICE with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 9** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5....is volume discount.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, including volume discount, which are only a partial listing of the many common pricing types, some of which have been used for the past several millenia. For such skilled programmers it would have been obvious

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in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically volume discount pricing. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter because the combination of the three would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 10** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5....is tiering.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of

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the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, including tiering, which are only a partial listing of the many common pricing types, some of which have been used for the past several millenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically tiering pricing. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter because the combination of the three would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 11** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5....is cost plus.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed

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programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, including cost plus, which are only a partial listing of the many common pricing types, some of which have been used for the past several millenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically cost plus pricing. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter because the combination of the three would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 12** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5...is minimum revenue.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, some of which are only a partial listing of the many common pricing types, some of which have been used for the past several millenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically minimum revenue pricing.

OFFICIAL NOTICE is taken that minimum revenue pricing is old and well known, and has long been commonly used for goods and services in special price calculation circumstances, such as whenever the proscribed calculation method

had yielded only a very small nominal value that may not have included overhead or transactional expenses and the management position had been taken that all such transactions would have had at least a preset minimum revenue as its charged price, and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter and OFFICIAL NOTICE because the combination of the four would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching and that of OFFICIAL NOTICE, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and OFFICIAL NOTICE and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 13** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5....is maximum revenue.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working

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computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, some of which are only a partial listing of the many common pricing types, some of which have been used for the past several milenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically maximum revenue pricing.

OFFICIAL NOTICE is taken that maximum revenue pricing is old and well known, and has long been commonly used for goods and services in special price calculation circumstances, such as whenever the proscribed calculation method had yielded an unusually high value that may not have been competitive or not have appeared reasonable to the customer, and the management position had been taken that all such transactions will have had at most a preset maximum revenue as its charged price, and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter and OFFICIAL NOTICE because the combination of the FOUR would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching and that of OFFICIAL NOTICE, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and OFFICIAL NOTICE and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 14** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5....is markup of total price.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, some of which are only a partial listing of the many common pricing types, some of which have been used for the past several millenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically markup of total price pricing.

OFFICIAL NOTICE is taken that markup of total price as a pricing method is old and well known, and has long been commonly used for goods and services in sales tax

calculations and in special price calculation circumstances, as one example such as whenever the proscribed calculation method became outdated due to a price increase not yet there reflected, which required that an additional markup be charged on top of the total price, and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter and OFFICIAL NOTICE because the combination of the four would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching and that of OFFICIAL NOTICE, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and OFFICIAL NOTICE and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 15** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 5...is bundled pricing.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25

different types of commonly used pricing types, some of which are only a partial listing of the many common pricing types, some of which have been used for the past several milenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically bundled pricing.

OFFICIAL NOTICE is taken that one of the oldest and best known pricing types is the bundled pricing type, which has long been commonly used for goods as part of the normal pricing method, as one example the sale of new cars, wherein several pieces of optional equipment that have been individually priced at full retail were routinely included with the car at a discounted value (bundled pricing) when purchased all together with the car, and that it would have been obvious to modify the teachings of Carter with this OFFICIAL NOTICE. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter and OFFICIAL NOTICE because the combination of the four would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching and that of OFFICIAL NOTICE, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and OFFICIAL NOTICE and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 16** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 6, lines 25-67, col 7, lines 48-67, col 8, col 9, col 10, and cols 11-13) "The method of Claim 5...is Cross CAA Bundled Tiering.", which he describes as Relationship Pricing, both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, and although he does teach tiering, he does not teach the many specific variations of pricing by name, all of which are old and well known, nor the detailed programmatic steps for these software functions. However, it is inherent in financial institution pricing to analyze customer accounts, both across their several accounts and across the accounts of all major customers, and to employ a wide variety of pricing methods to price their services, including bundling and tiering, especially in relationship pricing which is essentially bundled pricing by definition. Petroustos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, including 5 which contain the word "customer", which are only a partial listing of the many common pricing types, some of which have been used for the past several milenia. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic

means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically cross customer account analysis (CAA) bundled tiering pricing, which is inherent in and is relationship pricing. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter because the combination of the three would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

As to **Claim 21** Gottesman inherently discloses (see at least cols 1-14, but particularly col 4, lines 42-67, col 5, lines 1-57, col 7, lines 48-67, col 8, lines 1-16, col 10, lines 55-67, and cols 11-13) "The method of Claim 1, wherein said price table contains costs.", both as an inventive concept for pricing as commonly used in financial transactions and as means for computer pricing program functions to be performed, but he does not teach the many specific variations of pricing, all of which are old and well known, nor the detailed programmatic steps for these software functions. Petroutsos teaches (see his book in general, but particularly Chapter 3 at least the sections "Arrays" through "Arrays of Arrays", and "If...Then...End", and Chapter 11 at least the sections "Databases and Database Management Systems" through "The Data Control's Properties"), by example of one of several computer programming languages then available, how relatively logical, simple, and obvious it would have been for one skilled in the art at the time of the invention to create the programming steps necessary to translate an inventive concept, like Gottesman's described computer functions to be performed, into a working computer software program. Carter teaches (see at least Figure 7) approximately 25 different types of commonly used pricing types, including base cost and one he terms "give it to them for cost", which are only a partial listing of

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the many common pricing types, some of which have been used for the past several millenia. The at-cost prices also serve as cost information outside of the cost accounting system for any person who wishes to review it. For such skilled programmers it would have been obvious in a financial transaction system containing price tables and product (component) rules for multiple products (components) and multiple prices and pricing types to develop the computer logic for the many commonly known and used different types of pricing methods required for the many products involved and the means for the pricing and other calculations required and to employ specific names, identifiers, and references for the pricing and product (component) databases (tables) and their data fields, together with the programmatic means to both create all of the logic and tables and to link them all together for the purpose and function intended to be performed, including specifically product costs. In view of Gottesmans' teaching, it would have been obvious to one skilled in the art at the time of the invention to employ the teachings of Gottesman to the teachings of Petroutsos as modified by Carter because the combination of the three would have provided a completed, improved, and operational financial transaction system that could have been used by financial service companies, complete with a wide variety of pricing types. Likewise, in light of Carter's teaching it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Carter and Petroutsos with those of Gottesman for the same reason. See responses to claims 1 and 6.

5. The prior art of record, although not cited above, is considered pertinent to one or more of the Applicants' claimed inventions:

US 4,855,908 to Skimoda et al, which teaches price table lookups.

US 5,710,887 to Chelliah et al, which teaches pricing rules.

Boris Beizer, Software Testing Techniques, International Thomson Computer Press, Boston, MA, 1990, which teaches the need to test software before implementation.

Paul Carrubba, Principles of Banking, American Banking Association, 1994, which teaches that pricing is based upon account analysis.

6. Response to Applicant's Arguments

As persons of scientific competence in the fields in which they work, examiners and administrative patent judges on the Board are responsible for making findings, informed by their scientific knowledge, as to the meaning of prior art references to persons of ordinary skill in the art and the motivation those references would provide to such persons. Absent legal error or contrary factual evidence, those findings can establish a prima facie case of obviousness. In this case, the appellants have not pointed to any legal error affecting the Board's obviousness analysis. Nor have they pointed to sufficient factual grounds, either in the record or in any judicially noticeable sources, to question the findings made by the examiner and the Board as to the teachings of the prior art and the motivation that the prior art references would give to a skilled artisan to make the claimed invention. We therefore sustain the Board's conclusion that the recited prior art references established a prima facie case of obviousness with respect to the appealed claims of the '774 and '654 applications.

02-1120, IN RE RICHARD A. BERG, ET AL.

-1160 On appeal from the United States Patent and Trademark Office,
Board of Patent Appeals and Interferences.
Decision affirmed.
Opinion by Bryson, Circuit Judge.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, ***.

In response to applicant's argument that there is nothing within the applied art teachings which would suggest the Examiner's proposed combination to arrive at the invention claimed in the present application, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). It is the responsibility of the applicant to review all the referenced material regarding their teachings applicable to the application.

Claim 1. In the specific reference originally cited, in col 8, on line 2 Gottesman states "Transaction pricing...", and refers then to financial services products, which makes them "financial transactions" and products, and the logic that applies to the product rules, and all the rules, prices, and transactions are linked, stored in a database, accessed, identified, and prices are the result, and the broader reference cited "(see at least cols 1-14, ...)" is the entire patent. Again in the original *particular* reference of col 7, lines 48-67 and col 8, lines 1-16, Gottesman discusses a pricing engine that uses pricing rules (logic) in tables, ie: pricing tables, that cover different rules, products, prices, and customer types, together with premiums/discounts that may apply, different types of financial transactions as specified in the tables, including the tier they may include, and the rules include the specific fees that apply to different product components to be charged and billed, etc.. The attributes of these pricing rules and tables used

for financial transactions are the stated products, fees, and customer types etc. of Gottesman. Gottesman is not limited to a single account, but to all financial transactions of many accounts, some of which may not be termed relationship type accounts or transactions, as the relationship premiums/discounts are applied only after the standard pricing has already been calculated for each individual type of transaction, according to his pricing engine. If the Applicant will reread the *particular* reference cited he will be able to see the many small individual fees that go to make up the larger billing amounts, as Gottesman is not limited to only a larger universe of relationship banking prices. Petroutsos simply makes abundantly clear how common and simple it is to create computer programs and databases (eg: pricing rules and pricing tables) given any specific set of assumptions about them. Both Carter and Foster disclose product rules and pricing tables and their application to financial transactions. Doktor discloses the implementation of a computerized database that contains and applies these rules and tables to financial transactions. Applicant argues that the pricing engine of Gottesman is only one of several portions of his pricing system, but the point is that it is at least one portion and it does perform the same function as the applicant is now claiming.

Applicant's argument that **Petroutsos** own words render his teachings irrelevant is baseless, the last sentence says and is interpreted to say that "...the information in this chapter will (in fact) help you get up to speed quickly in database programming ..." which will assist one in implementing the database system taught by **Gottesman**.

But now we also have Carter, Foster, and Doktor for specific teachings on this matter, and the combination of the five is very clearly teaching everything claimed by the applicant; ie: claims 1-29.

Claim 2. The particular reference in the Claim 1 response includes the attributes for and is the billing method and pricing method as described. It is also inherent in any elaborate and sophisticated set of pricing rules and tables for it to also translate into and

contain a billing and pricing method for the charges so calculated. One does not need to read the words that something is an "attribute or a method" to make it so, it is simply a matter of inherent definition. The Applicant's attention should not be limited to Claim 19 of Gottesman when his entire patent has been cited as a reference. Applicant has failed to provide any evidence that the examiner's original rationale or findings were deficient.

Claims 3 and 25. Assigning a name to one of many parts of a large set that requires subsequent future reference is a practice several millenniums old, and is not only obvious but inherent in the design of programs and databases. For the common practice as of the applicant's filing date regarding product/pricing rules and tables and display-only-information designed into software, it is inherent and obvious in software design to include a status field and pricing and billing information and display-only-information in order to make the rules and tables operative, and this reasoned argument was made in the original rejection. Applicant has failed to provide any evidence that the examiner's original rationale or findings were deficient.

Claims 4 and 5. See response to claims 2, 3, and 25.

Claims 13 and 15. A reasoned argument was stated in the original rejection for the use of obviousness and Official Notice, and the Applicant has not provided any credible evidence that the examiner's original rationale or findings were deficient.

Claim 16. See response immediately above.

Claims 18 and 28. See response immediately above.

Claims 19 and 29. See response immediately above.

Claim 22. See response immediately above.

Claims 23-29. See responses to claims 1, 6-16, and 21 above, and prior responses to claims 23-29.

Claims 6-16 and 21. As claim 1 remains rejected, Applicant's argument becomes mute. For the original reasons stated, each of these claims remain rejected.

Response to Arguments

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Note is taken by the examiner that should the applicant find objectionable any statements made herein by the examiner regarding inherency, implicitness, obviousness, or Official Notice, Applicant can make a proper challenge to those statements only by providing adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying those statements: a simple response requesting a reference without doing so, or a response that fails to logically refute the basic assumptions underlying the justification, will result in an improper and failed challenge and those unchallenged statements will remain the record of the case. Applicants must seasonably challenge those statements in the first response following an Office Action. If an applicant fails to do so, his right to challenge them is waived.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


RCF

3/3/03



Primary Examiner

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